

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

: DATE FILED: \_\_\_\_\_

v.

: CRIMINAL NO. 03-\_\_\_\_\_

ONTELAUNEE TRANSPORT SERVICES, INC. : VIOLATIONS: 18 U.S.C. § 1001  
RICHARD CHRISTMAN

(Falsifying material facts in  
a matter before the Department of  
Transportation - 20 Counts)  
18 U.S.C. § 2  
(Aiding and abetting)

**INDICTMENT**

**COUNTS ONE THROUGH TWENTY**

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1. On almost a daily basis during the period December 2001 through June 2002, in the Eastern District of Pennsylvania and elsewhere, defendants ONTELAUNEE TRANSPORT SERVICES, INC. (hereafter "ONTELAUNEE") and RICHARD CHRISTMAN knowingly aided and abetted the falsifying of commercial truck driver's daily logs, and caused ONTELAUNEE commercial truck drivers to exceed the maximum lawful number of daily driving hours and "on-duty" hours without taking the required hours off-duty, which resulted in the ONTELAUNEE commercial truck drivers driving in a tired and fatigued condition.

## **THE DEFENDANTS**

2. Defendant ONTELAUNEE TRANSPORT SERVICES, INC. was a commercial motor carrier trucking company, located at 9128 Kings Highway, Kempton, Pennsylvania, in the Eastern District of Pennsylvania.

3. Defendant RICHARD CHRISTMAN was employed by defendant ONTELAUNEE as the dispatcher.

4. Defendant RICHARD CHRISTMAN's duties and responsibilities as the dispatcher for defendant ONTELAUNEE included dispatching ONTELAUNEE truck drivers on scheduled and additional trips, and monitoring the locations of defendant ONTELAUNEE truck drivers on a daily basis.

## **FEDERAL HIGHWAY SAFETY REGULATION OF COMMERCIAL MOTOR VEHICLE OPERATORS**

5. The Federal Motor Carrier Safety Administration ("FMCSA"), a division of the United States Department of Transportation ("USDOT"), is an agency of the United States.

6. The FMCSA is responsible for, among other things, the regulation of commercial motor vehicle ("CMV") drivers (hereafter also referred to as "truck drivers"), including limitations on the maximum number of daily allowable driving hours and required hours off-duty, in order to protect the public from commercial trucking-related accidents caused by fatigued truck drivers operating on the nation's highways.

7. The FMCSA administers and enforces the Motor Carrier Safety Act of 1984, including the regulations issued under that Act. This Act and its regulations are written to ensure, among other things, that truck drivers fully comply with the responsibilities imposed on

them to drive their vehicles in a safe and unimpaired manner, and that the physical condition of the drivers is adequate to enable them to operate their vehicles safely.

8. Among the federal regulations for CMV truck drivers relating to the safe operation of their vehicles are the following:

- a) limiting the maximum daily allowable driving hours which truck drivers may drive. These regulations include two general rules for the maximum allowable number of daily driving hours. The “10 hour rule” provides that once a CMV truck driver accumulates 10 hours of driving time, that driver may not drive again until he or she has at least 8 consecutive hours off-duty. The “15 hour rule” provides that when a CMV truck driver has been "on-duty" for 15 hours, whether driving or not, that driver may not drive again until he or she has had 8 consecutive hours off-duty;
- b) requiring a truck driver to maintain truthful and accurate driver daily logs which reflect the driver’s duty status, locations, and the daily number of hours spent driving, on-duty but not driving, in sleeper berth and off-duty; and
- c) requiring a truck driver to comply with all laws, ordinances and regulations in the jurisdiction in which the truck is being operated.

9. To ensure that motor carriers and truck drivers comply with the maximum hours of service limitations, truck drivers are required by federal regulation to record all daily activities, including driving time, on a form called "Record of Duty Status." This form is commonly referred to as a "Driver's Daily Log."

10. Federal regulations mandate that truck drivers certify the truthfulness and accuracy of the driver's daily logs by signing their name to each log.

11. Federal regulations further require that commercial motor carriers maintain their employees' driver's daily logs and supporting documents for those logs for at least six months. Defendant ONTELAUNEE was required by federal law to maintain the truck drivers' daily log sheets, together with all supporting documents, for all ONTELAUNEE truck drivers, at its office in Kempton, Pennsylvania, and was further required to ensure that the drivers' daily log books were truthful, accurate and complete records of the truck drivers' actual driving status.

12. The primary means by which FMCSA inspectors enforce the federal highway safety regulations relating to the limits on truck drivers' hours of service is to inspect the drivers' daily logs to determine the number of driving hours, on-duty hours and off-duty hours and compare those logs with the supporting documents maintained by the motor carrier.

#### **DEFENDANTS' SCHEME**

13. Defendants ONTELAUNEE and RICHARD CHRISTMAN aided and abetted the preparation and maintenance of false and fraudulent drivers' daily logs, and concealed from the USDOT and the FMCSA that ONTELAUNEE truck drivers were routinely exceeding the maximum number of driving hours and "on-duty" hours without the required 8 consecutive hours off-duty, and were otherwise driving in violation of federal law.

14. Defendants disregarded federal highway safety regulations by allowing, encouraging and causing ONTELAUNEE commercial truck drivers to:

- a) operate commercial trucks in violation of federal highway safety regulations;
- b) exceed the limitations on the maximum allowable number of hours;

c) prepare and maintain false and fraudulent driver's daily logbooks to conceal violations of regulations governing the maximum allowable number of daily driving hours; and

d) destroy supporting documents which contradicted the driver's daily logbooks, and which showed violations of the limitations of maximum driving hours.

15. Defendants ONTELAUNEE and RICHARD CHRISTMAN knowingly dispatched defendant ONTELAUNEE commercial truck drivers on trips which defendants knew required more than 10 hours of driving time and more than 15 hours of "on-duty" time, without allowing for the required 8 consecutive hours rest or "off-duty" time.

16. Defendants ONTELAUNEE and RICHARD CHRISTMAN knowingly concealed violations of federal highway safety regulations from federal and state officials and agents who reviewed and inspected the drivers' daily logbooks.

17. From in or about December 2001 through in or about July 2002, defendants ONTELAUNEE and RICHARD CHRISTMAN knowingly allowed, encouraged and caused individuals M.R., R.B., P.C., N.N., J.B., A.H., R.M., D.T., L.H. and R.R., while employed as commercial truck drivers for defendant ONTELAUNEE, to falsify their driver daily logs continuously and systematically by certifying that they were off-duty or sleeping, when in fact each driver was driving scheduled trips for defendant ONTELAUNEE.

18. On or about the dates listed below, in the Eastern District of Pennsylvania, and elsewhere, defendants

**ONTELAUNEE TRANSPORT SERVICES, INC., and**

**RICHARD CHRISTMAN,**

in a matter within the jurisdiction of the executive branch of the United States government, namely the Federal Motor Carrier Safety Administration and the Department of Transportation, an agency of the United States, aided and abetted the knowing and willful falsification, concealment, and covering up by trick, scheme and device, certain material facts, that is,

defendants **ONTELAUNEE TRANSPORT SERVICES, INC. and RICHARD**

**CHRISTMAN** knowingly aided and abetted the preparation, and maintenance for inspection by the FMCSA, of false and fictitious driver's daily logs of defendant **ONTELAUNEE** commercial truck drivers which defendants knew to be false and fictitious, on or about each of the following dates during December 2001 through July 2002:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
<u>1</u>	12/27/01	Ontelaunee driver J.B. falsely stated in his driver logbook for 12/27/01 that he was in the sleeper berth of his truck in Durham, NC between 3:30 p.m. and midnight, when in fact he was driving on the West Virginia Turnpike at 6:05 p.m. on that date.
<u>2</u>	1/3/02	Ontelaunee driver J.B. falsely stated in his driver logbook for 1/3/02 that he was in the sleeper berth of his truck in New Rochelle, NY between 2:45 p.m. and 11:00 p.m., when in fact he was driving on the George Washington Bridge in New York City, NY at 4:38 p.m. and on the New Jersey Turnpike in Bordentown, NJ at 8:58 p.m. on that date.

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
<u>3</u>	4/8/02	Ontelaunee driver J.B. falsely stated in his driver logbook for 4/8/02 that he was in the sleeper berth of his truck in Laurel, DE between 5:00 p.m. and midnight, when in fact he was driving on the New Jersey Turnpike at 6:53 p.m. and 7:19 p.m., and on the Goethals Bridge in Staten Island, NY at 10:28 p.m. on that date.
<u>4</u>	6/10/02	Ontelaunee driver J.B. falsely stated in his driver logbook for 6/10/02 that he was in the sleeper berth of his truck in Charles City, VA between 6:00 a.m. and 2:00 p.m., when in fact he was driving on the New Jersey Turnpike in Carney's Point, NJ at 9:44 a.m. and driving through the Fort McHenry Tunnel in Baltimore, MD, at 11:02 a.m. on that date.
<u>5</u>	12/20/01	Ontelaunee driver A.H. falsely stated in his driver logbook for 12/20/01 that he was off-duty in Tarrytown, NY between 5:45 a.m. and midnight, when in fact he was driving in Ruther Glen, VA at 9:12 p.m. on that date.
<u>6</u>	1/25/02	Ontelaunee driver A.H. falsely stated in his driver logbook for 1/25/02 that he was in the sleeper berth of his truck in Waterford, CT between midnight and 4:15 a.m., when in fact he was driving in Bloomsbury, NJ, at 12:34 a.m. on that date.
<u>7</u>	2/7/02	Ontelaunee driver A.H. falsely stated in his driver logbook for 2/7/02 that he was in the sleeper berth of his truck in Stamford, CT between 3:00 p.m. and 11:00 p.m., when in fact he was driving in Bloomsbury, NJ, at 6:16 p.m. on that date.
<u>8</u>	7/16/02	Ontelaunee driver A.H. falsely stated in his driver logbook for 7/16/02 that he was in the sleeper berth of his truck in Tarrytown, NY between 4:00 a.m. and 12:45 p.m., when in fact he was driving in Bartonsville, PA, at 11:42 a.m. on that date.

<b><u>COUNT</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION OF FALSE STATEMENT</u></b>
<b><u>9</u></b>	12/2/01- 12/8/01	Ontelaunee driver R.M. falsely stated his number of driving hours in his driver logbook for 12/2/01 through 12/8/01 by failing to record numerous driving hours in his logbook during that period of time, and instead recording them on a piece of paper titled "Work done off log for week of 12/2- 12/8/01" in which he drove from New Rochelle, NY to Kempton, PA; from Kempton, PA to Charles City, VA; and then from Hopewell, VA to Kempton, PA.
<b><u>10</u></b>	1/6/02- 1/12/02	Ontelaunee driver R.M. falsely stated his number of driving hours in his driver logbook for 1/6/02 through 1/12/02 by failing to record numerous driving hours in his logbook during that period of time and instead recording them on a piece of paper titled "Work done for week of 1/6- 1/12/02" in which he drove from Kempton, PA to Lowelville, OH and from Clearfield, PA to Blandon, PA.
<b><u>11</u></b>	2/2/02 - 2/8/02	Ontelaunee driver R.M. falsely stated his number of driving hours in his driver logbook for 2/2/02 through 2/8/02 by failing to record numerous driving hours in his logbook during that period of time and instead recording them on a piece of paper titled "Work done off books for week of 2/2- 2/8/02" in which he drove from Kempton, PA to Waynesburg, OH; New Florence, PA to Blandon, PA; Chesapeake, VA to Riverhead, NY; and Deer Park, NY to Kempton, PA.
<b><u>12</u></b>	3/1/02- 3/8/02	Ontelaunee driver R.M. falsely stated his number of driving hours in his driver logbook for 3/1/02 through 3/8/02 by failing to record numerous driving hours in his logbook during that period of time and instead recording them on a piece of paper titled "Work done under the table for week of 3/1-3/8/02" in which he drove from Sparrows Point, MD to Bath, PA; and from Stamford, CT to Kempton, PA.



<b><u>COUNT</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION OF FALSE STATEMENT</u></b>
<b><u>13</u></b>	2/1/02	Ontelaunee driver R.R. falsely stated in his driver logbook for 2/1/02 that he was in the sleeper berth of his truck in New Rochelle, NY between noon and midnight, when in fact he was driving in Mahwah, NJ at 2:48 p.m. on that date.
<b><u>14</u></b>	4/18/02	Ontelaunee driver R.R. falsely stated in his driver logbook for 4/18/02 that he was in the sleeper berth of his truck in Kempton, PA between 4:30 a.m. and 3:30 p.m., when in fact he was driving in Gordonsville, VA at 9:38 a.m. on that date.
<b><u>15</u></b>	6/26/02	Ontelaunee driver R.R. falsely stated in his driver logbook for 6/26/02 that he was in the sleeper berth of his truck in Fredericksburg, VA between 6:45 p.m. and midnight, when in fact he was driving in Elkton, MD, at 9:36 p.m. on that date.
<b><u>16</u></b>	7/16/02	Ontelaunee driver R.R. falsely stated in his driver logbook for 7/16/02 that he was in the sleeper berth of his truck in Ruther Glen, VA between 2:00 p.m. and 9:00 p.m. when in fact he was driving in Elkton, MD, at 2:25 p.m. on that date.
<b><u>17</u></b>	12/14/01	Ontelaunee driver L.H. falsely stated in his driver logbook for 12/14/01 that he was off-duty in Deer Park, NY between 3:00 p.m. and 8:00 p.m., when in fact he was driving in Palisades Park, NJ at 4:19 p.m. on that date.
<b><u>18</u></b>	12/19/01	Ontelaunee driver L.H. falsely stated in his driver logbook for 12/19/01 that he was off-duty in Babylon, NY between 10:00 a.m. and midnight, when in fact he was driving in New Castle, DE at 11:09 a.m. on that date.
<b><u>19</u></b>	4/24/02	Ontelaunee driver L.H. falsely stated in his driver logbook for 4/24/02 that he was in the sleeper berth of his truck in Craigton, CT between 8:00 p.m. and midnight, when in fact he was driving in Elkton, MD at 8:13 p.m. on that date.

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
<u>20</u>	5/9/02	Ontelaunee driver L.H. falsely stated in his driver logbook for 5/9/02 that he was in the sleeper berth of his truck in Kempton, PA between midnight and 7:00 p.m., when in fact he was driving in E. Brunswick, NJ at 6:50 p.m. on that date.

All in violation of Title 18, United States Code, Sections 1001 and 2.

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
PATRICK L. MEEHAN  
United States Attorney